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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABHINAV BHATNAGAR,  
Plaintiff,

vs.

JASON INGRASSIA, individually and in  
his official capacity; COUNTY OF  
CONTRA COSTA; and CITY OF  
SAN RAMON.

Defendants.

Case No.: Case No. CV07-02669 (CRB)

**AFFIDAVIT OF JENNY HUANG  
IN SUPPORT OF PLAINTIFF'S REPLY  
ON MOTION FOR PROTECTIVE  
ORDER AND IN OPPOSITION TO  
DEFENDANT INGRASSIA'S MOTION  
TO STRIKE**

I, JENNY HUANG, state under penalty of perjury as follows:

1. I am counsel for Plaintiff Abhinav Bhatnagar in the above-referenced action. I submit this affidavit in support of Plaintiff's reply on the motion for a protective order to exclude Defendant Jason Ingrassia from the deposition of Richard Ha, and in opposition to Defendant Ingrassia's Motion to Strike Plaintiff's Proffered Evidence in Support of Plaintiff's Motion for a Protective Order.

2. On October 13, 2007, I made several requests on behalf of Richard Ha with regard

AFFIDAVIT OF JENNY HUANG IN SUPPORT OF PLAINTIFF'S REPLY ON MOTION FOR PROTECTIVE ORDER

1 to his deposition originally scheduled for October 23, 2007. I requested that the deposition be  
2 rescheduled for the afternoon that same day to accommodate Mr. Ha's childcare needs, that  
3 defendants provide him with a Vietnamese interpreter, and that Defendant Ingrassia agree not to  
4 attend Mr. Ha's deposition only.

5 3. Mr. Ha is fluent in conversational English and for most of the conversations I have  
6 had with this witness, I have not required the assistance of a Vietnamese interpreter.

7 4. On occasion, I have used a Vietnamese interpreter to ensure that the witness  
8 understands more complex terminology and to ensure the accuracy of Mr. Ha's testimony.

9 5. As a result of the parties' inability to resolve whether Defendant Ingrassia was  
10 entitled to attend Mr. Ha's deposition, Plaintiff brought the instant motion on an expedited basis.  
11 Defendants requested that Plaintiff bring this motion on an expedited basis so as to accommodate  
12 Defendants' desire to complete the deposition of Mr. Ha prior to the mediation conference  
13 scheduled between the parties.

14 6. On November 20, 2007, the parties participated in a phone conference with ADR  
15 Director Howard Herman, during which the parties agreed that the instant motion should be  
16 brought on an expedited basis to accommodate Defendants' desire to complete the deposition of  
17 Mr. Ha prior to the mediation conference. At that time, the parties agreed to schedule the hearing  
18 on this motion for December 7, 2007.

19 7. During the phone conference on November 20, 2007, the parties further agreed to  
20 the briefing schedule for the instant motion. Specifically, Defendants agreed that Plaintiff's  
21 motion should be filed the day before Thanksgiving on November 21<sup>st</sup>, Defendants' opposition  
22 papers were due on November 28<sup>th</sup>, and Plaintiff's reply papers were due on December 4<sup>th</sup>.  
23 Attached hereto as Exhibit 1 is a true and accurate copy of the stipulation signed by the parties  
24 and so ordered by this court.

25 8. I did not receive notice of Defendant Ingrassia's deposition subpoena to depose me  
26 at 4pm on Monday, November 26<sup>th</sup> until I was personally served with the subpoena that same  
27 day, less than six hours prior to the scheduled deposition.

28 9. Aside from my objections to being deposed, I was not available to attend the  
deposition due to a pre-arranged meeting that afternoon and because I had an appellate brief due  
the following day in *People v. Eric Primas*, Case No. A116667 (1<sup>st</sup> Dist.).

AFFIDAVIT OF JENNY HUANG IN SUPPORT OF PLAINTIFF'S REPLY ON MOTION FOR PROTECTIVE ORDER

